

The 13th February, 1985

No. 9/5/84-6 Lab./1027.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of Presiding Officer, Industrial Tribunal, Faridabad in respect of the dispute between the workmen and the management of M/s. Maheshwari Wire Industries, 14/6, Mathura Road, Faridabad.

BEFORE SHRI R.N. BATRA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 453/1982

Between

THE MANAGEMENT OF M/S MAHESHWARI WIRE INDUSTRIES, 14/6, MATHURA ROAD, FARIDABAD AND ITS WORKMEN.

Present :—Shri M.K. Bhandari, for the workmen.

None, for the management.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, the Governor of Haryana referred the following dispute between the Management of M/s Maheshwari Wire Industries, 14/6 Mathura Road, Faridabad and its Workmen to this tribunal, for adjudication :—

Whether the closure of the factory w.e.f. 1st July, 1982 was justified and in order ? If not, to what relief the workmen are entitled ?

2. Notices were issued to both the parties. The workmen in their claim statement dated 8th January, 1983 alleged that 28 workmen whose names were given in the demand notice dated 24th August, 1982, were employed with the respondent and that on 1st July, 1982, the respondent closed down the factory in an illegal manner at 9.45 p.m. It was alleged that the respondent had not deposited the provident fund of all the workmen for the period from 1978 to 1981 and had also not complied with the formalities of the Provident Fund Department when the workmen reported the matter to the Provident Fund Authority etc. but the respondent closed down the factory in order to avoid any action in the matter in an illegal manner and had not complied with the provisions of the Industrial Disputes Act, 1947, relating to closure nor they had paid wages to any workmen for the month of June, 1982. It was then alleged that the management had closed down the factory in order to victimise the workmen. It was, therefore, prayed that the Management be directed to lift the closure and provide jobs to the workmen with full back wages declaring the closure as unjustified.

3. It may be mentioned that on 11th December, 1984, none appeared on behalf of the Management even though they were represented previously and as such *ex parte* proceedings were ordered against the management. The workmen examined WW-1 Shri Vijay Kumar Jha, who stated that he was employed by M/s. Maheshwari Fastners (P) Ltd., Faridabad and was General Secretary of the Union. He further stated that the Union of Maheshwari Fastners and Maheshwari Wire Industries was the same and represented all the workmen of both these factories. He also stated that both these factories belonged to one proprietor and were situated in the same building. He further stated that the respondent factory was closed down because its proprietor had not deposited the provident fund amounting to Rs Two lakhs and that the Union had filed a complaint regarding the same, copies of which were Exhibit W-1 to W-3. He then stated that letters Exhibit W-4 and W-5 were written by them and that no notice was pasted on the notice board by the respondent at the time of closure of the factory nor the workmen were given the amount due to them nor any such amount was offered to them. He further stated that in conciliation proceedings, the Management did not appear and that Exhibit W-6 and W-7 were copies of the conciliation proceedings. He then stated that the respondent had closed down the factory because they had not deposited the provident fund and that the factory had been closed down in an illegal manner. WW-2 Shri Prikshan Rai, stated that he used to work in the respondent factory. He further stated that M/s. Maheshwari Fastners Pvt. Ltd. and Maheshwari Wire Industries were situated in the same building and were owned by the same proprietor. He then stated that the respondent closed down the factory because they had not deposited the provident fund with the competent authority and that the factory was closed down in an illegal manner. WW-2 Shri Hanuman Parshad stated that he used to work in M/s Maheshwari Wire Industries Faridabad. He further stated that Maheshwari Fastners and M/s Maheshwari Wire Industries were situated in the same building and that the Union of both the factories was the same. He further stated that he was the member of the Working Committee and that the respondent factory was closed down by the proprietors because they had not deposited the provident fund with the competent authority. He then stated that the respondent factory was closed down in an illegal manner and that no notice was pasted before closing this factory nor the amount due to the workmen was paid to them.

4. A perusal of the testimony of WW-1 Shri Vijay Kumar, WW-2 Shri Prikshan Rai and WW-3 Shri Hanu man Parshad and recitals made in the documents Exhibit W-1 to W-7, go to show that the respondent factory was closed down by the respondent because they had not deposited the provident fund with the competent authority. The version of WW-1 Shri Vijay Kumar in this respect, finds corroboration from the testimony of WW-2 Shri Prikshan Rai and WW-3 Shri Hanuaman Parshad. In the documents produced by the workmen the same plea was repeated. There is no evidence in rebuttal from the opposite side because none appeared on their behalf of 11th December, 1984, due to which *ex parte* proceedings were ordered against them. Consequently the *ex parte* evidence led by the workmen goes to show that closure of the respondent factory with effect from 1st July, 1982 was not justified and in order. According to the provisions of Section 25-FFF of the Industrial Disputes Act, 1947, where an undertaking is closed down for any reason whatsoever every workman who has been in continuous service for not less than one year in that undertaking immediately before such closure shall be entitled to notice pay and compensation in accordance with the provisions of Section 25-F of the Industrial Disputes Act, 1947, as if the workman had been retrenched. As such, all the workmen are entitled to notice pay and compensation in accordance with the provisions of Sections 25-F of this Act, upto the date of closure i.e. 1st July, 1982. The award is passed accordingly.

Dated 1st February, 1985.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Endst. No. 106, dated 1st February, 1985

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under Section 15 of the Industrial Disputes Act, 1947.

R. N. BATRA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 10th January, 1985

No. 9/5/84-Lab/101.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. Trans Auto, 1-5 D.L.F., Industrial Area, Mathura Road, Faridabad:—

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 368 of 1984

between

SHRI BHOPAL SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
M/S. TRANS AUTO, 1-5 D.L.F., INDUSTRIAL AREA, MATHURA ROAD, FARIDABAD.

Present :—

Shri R. P. Singh, for the workman.

None, for the respondent-management.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/97-84/32800—05, dated 30th August, 1984, under section 10 (i) (c) of the Industrial Disputes Act, 1947 for adjudication of the industrial disputes existing between Shri Bhopal Singh, workman and the respondent-management of M/s. Trans Auto, 1-5 D.L.F., Industrial Area, Mathura Road, Faridabad. The term of the reference was :—

Whether the termination of services of Shri Bhopal Singh, was justified and in order ? If not, to what relief is he entitled?

None is present for the respondent-management after service through affixation on the factory gate. Hence the management is proceeded *ex parte* on 13th November, 1984.

According to the averments of the claim statement, the claimant was appointed on 26th July, 1979 as Turner and drawing Rs. 468/- at the time of termination. The respondent-management had laid off the workman from 16th July, 1983 and after lifting of lay off, he reported on 25th February, 1984 but he was not allowed duty and terminated his services in an illegal manner.

In *ex parte* evidence the workman appeared as WW-1 and supported his averment. I have no reason to disbelieve the *ex parte* evidence of the workman. The management has not complied with the provisions of Section 25-F which are mandatory. The claimant has more than one year of service. Hence I find that the services of the workman were illegally terminated and he is entitled to reinstatement with continuity of services and with full back wages. The award is given accordingly.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Dated the 19th December, 1984.

Endorsement No. 3017, dated the 31st December, 1984.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/102.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of Haryana Roadways, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 73 of 1984

between

SHRI MOTI RAM, WORKMAN AND THE RESPONDENT-MANAGEMENT OF
HARYANA ROADWAYS, FARIDABAD

Present:—

Shri Bhim Singh Yadav, for the workman

Shri Jagbir Singh, for the respondent-management.

AWARD

This reference has been referred to this Court by the Hon'ble Governor of Haryana,—vide his order No. ID/FD/24-84/17724—30, dated 4th May, 1984, under section 10 (i) (c) of the Industrial Disputes Act, 1947, for adjudication of the industrial dispute existing between Shri Moti Ram, workman and the respondent-management of Haryana Roadways, Faridabad. The term of the reference was :—

Whether the termination of service of Shri Moti Ram, was justified and in order? If not, to what relief is he entitled ?

Admitted facts of the case are that the claimant was appointed on 16th March, 1933 as Driver. His services were terminated on 20th May, 1984. It is alleged by the respondent-management that the claimant was appointed on temporary basis and his services were terminated without any notice. He has not completed 240 days of service. The following issues were framed:—

1. As per reference ?

I have heard the rep. of both the parties and gone through the evidence on record. My findings on issue is as under:—

Issues No. I :—It is admitted by the claimant that he was appointed on 16th March, 1983, and his services were terminated on 20th May, 1983, but he has stated that he was not given any appointment letter. He was appointed on 16th March, 1983 on permanent basis against the regular job. This has been denied by the management. He was appointed,—*vide* appointment letter Ex. M-1 on temporary basis and his services were terminated on 20th May, 1983. His appeal to the S. T. C. is pending. I have seen the appointment letter Ex. M-1. It is clearly mentioned that he was appointed on temporary basis. His services could be terminated before completion of 240 days. Hence his services had been terminated,—*vide* letter Ex. M-2 on 20th May, 1983 as per terms of appointment letter. I, therefore, find that the order of termination was legal and justified and the claimant is not entitled to any relief. The reference is, therefore, answered accordingly.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 19th December, 1984.

Endst. No. *3018, dated the 31st December, 1984.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6 Lab/162.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s. International Came Plast Pvt. Ltd., 14/7, Mathura Road, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 199 of 1983

between

SHRI MAHABIR, WORKMAN AND THE RESPONDENT-MANAGEMENT OF M/S.
INTERNATIONAL CAME PLAST PVT. Ltd., 14/7, MATHURA ROAD, FARIDABAD.

Present:—

Shri H.P. Singh for the workman.

None for the respondent.

AWARD

This reference has been referred to this court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/FD/89-83/31765—70, dated 4th July, 1983, under section 10(i)(c) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute existing between Shri Mahabir, workman and the respondent-management of M/s. International Came Plast, Pvt. Ltd., 14/7, Mathura Road, Faridabad. The term of the reference was:—

Whether the termination of services of Shri Mahabir, was justified and in order ? If not, to what relief is he entitled ?

Shri H.P. Singh pleads no instruction for the workman. It shows that the workman is not interested for the reference. Hence no dispute is pending between the parties. The award is given accordingly.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 2nd January, 1985.

Endst. No. 31, dated 3rd January, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.